

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability No. 2:15-MD-02641-DGC  
Litigation

**(Non-Waiver Order Pursuant to Rule 502(d) of the Federal Rules of Evidence)**

**PRETRIAL ORDER # \_\_\_\_\_**  
**(NON-WAIVER ORDER PURSUANT TO**  
**RULE 502(d) OF THE FEDERAL RULES OF EVIDENCE)**

**WHEREAS:**

(a) The parties seek to resolve disputes related to entries on past and future privilege logs of Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively “Bard”) withheld pursuant to the attorney-client privilege, the work-product doctrine, and/or other privileges;

(b) In furtherance of this goal, Plaintiffs and Bard have entered into negotiations, and counsel for the parties are meeting and conferring regularly regarding Bard's privilege logs;

(c) As part of the meet and confer process, Bard is reviewing certain privilege log entries identified by Plaintiffs. Bard may provide the plaintiffs with a small number of these identified items for inspection from time to time to further the meet and confer discussions; and

(d) As part of the meet and confer process, Bard may choose to withdraw certain claims of attorney-client privilege, the work-product doctrine, and/or other privilege(s), and produce the previously withheld items.

Therefore, the parties have agreed, and it is hereby **ORDERED**, that:

1. The parties' discussions, Bard's disclosure or production of the contents or copies of the documents or items on its past and/or future privilege logs as part of the meet-and-confer process shall not, pursuant to Federal Rule of Evidence 502(d), constitute any waiver of any privilege and/or work-product protection in this MDL, or in any other federal or state proceeding.

2. This Order does not alter or amend Section VII., Paragraph 31 of the Stipulated Protective Order (Doc. 269), entitled "Inadvertent Production."

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2015.

David C. Campbell, Judge